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BEFORE THE ARIZONA CORPORATION COMMISSION

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2014 MAY 12 P 3:02

Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED

MAY 12 2014

DOCKETED BY

In the matter of)
KENT MAERKI and NORMA JEAN)
COFFIN aka NORMA JEAN MAERKI, aka)
NORMA JEAN MAULE, husband and)
wife,)
DENTAL SUPPORT PLUS FRANCHISE,)
LLC, an Arizona limited liability company)
Respondents.)

DOCKET NO. S-20897A-13-0391

**SECURITIES' DIVISION RESPONSE TO
RESPONDENTS' MOTION FOR
CONTINUANCE**

On November 18, 2013, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties, and Order for Other Affirmative Action. The Respondents requested a hearing on December 10, 2013. A Procedural Order was issued on January 17, 2014, scheduling a hearing to begin on June 2, 2014.

On May 9, 2014, Respondents Maerki and Dental Support Plus Franchise, LLC¹, filed a motion requesting a continuance of part of the scheduled hearing dates. It appears that Respondents Maerki and Dental Support Plus Franchise, LLC are requesting June 2 – 5, 2014, and June 9 - 12, 2014, the first two weeks of the hearing, be postponed. Respondents Maerki and Dental Support Plus Franchise, LLC indicate no conflict with June 16 – 19, 2014, and suggest that additional hearing dates be scheduled the week of June 23, 2014.

¹ Respondent Norma Jean Coffin aka Norma Jean Maerki, aka Norma Jean Maule did not request a continuance.

1 The Securities Division objects to any continuance of the scheduled hearing for the reasons
2 listed below. As outlined, Respondents Maerki and Dental Support Plus Franchise, LLC do not
3 provide a showing of good cause for the continuance to be granted. *See* A.A.C. R14-3-109(Q).

4 Respondents Maerki and Dental Support Plus Franchise, LLC list three reasons in their
5 Motion for Continuance why the hearing should be rescheduled: 1) A court proceeding on June 12,
6 2014; 2) A business trip to begin on June 2, 2014; and 3) Another court proceeding. None of the
7 reasons listed by Respondents Maerki and Dental Support Plus Franchise, LLC provide a good
8 cause basis for the continuance to be granted.

9 Respondents Maerki and Dental Support Plus Franchise, LLC attach a minute entry dated
10 May 2, 2014, that sets a status conference for June 12, 2014, issued by the Honorable Arthur T.
11 Anderson, Maricopa County Superior Court. The minute entry indicates that the status conference
12 will be limited to 30 minutes beginning at 9:45 a.m. It is unknown whether Respondent Maerki
13 informed Judge Anderson of the scheduled hearing.

14 In any event, there is no reason to continue the scheduled hearing. The Securities Division
15 has no objection to allowing a break on June 12, 2014, to allow Respondent Maerki to attend the
16 status conference. The hearing may be scheduled to begin at 1:00 p.m. to accommodate Respondent
17 Maerki's schedule.

18 Respondents Maerki's and Dental Support Plus Franchise, LLC's second reason to request a
19 continuance of the June 2, - 5, 2014, scheduled days is for a business trip that appears to have been
20 scheduled in November, 2013. However, the invoice provided to support this previously scheduled
21 business trip is dated May 6, 2014, and appears to relate to a "WarRoom General Membership" it
22 does not disclose any type of business trip. If this matter was scheduled in November of 2013,
23 Respondents Maerki and Dental Support Plus Franchise, LLC had ample opportunity to request a
24 continuance. In fact, the hearing in this matter was scheduled after a pre-hearing conference was
25 held on January 16, 2014. During the pre-hearing conference, Administrative Law Judge Stern
26 inquired if there were any dates that would conflict with a hearing during the summer months.

1 Respondent Maerki did not disclose any type of conflict at this time. *See* transcript dated January
2 16, 2014, page 7 line 20 – page 8 line 2.

3 Respondents Maerki's and Dental Support Plus Franchise, LLC's last reason for continuing
4 the scheduled hearing relates to a proceeding in U.S. Bankruptcy Court, scheduled for June 4, 2014.
5 The Motion for Continuance does not specify why this hearing would cause a conflict with the
6 scheduled hearing in this matter. In reviewing the materials, the Debtor is listed as Janus Spectrum,
7 LLC. According to the Petition filed in the Janus Spectrum LLC bankruptcy, David Alcorn is the
8 President of the Managing Director of Janus Spectrum, LLC.

9 Respondents Maerki and Dental Support Plus Franchise, LLC have failed to provide a good
10 cause basis for a continuance. The Securities Division requests that Respondents Maerki's and
11 Dental Support Plus Franchise, LLC's Motion for Continuance be denied.

12 RESPECTFULLY SUBMITTED this 12th day of May, 2014.

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15 Wendy Coy, Staff Attorney for the Securities
16 Division
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SERVICE LIST FOR: KENT MAERKI and NORMA JEAN COFFIN aka NORMA JEAN MAERKI, aka NORMA JEAN MAULE, husband and wife, DENTAL SUPPORT PLUS FRANCHISE, LLC

ORIGINAL and 8 copies of the foregoing filed this 12th day of May, 2014, with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing hand-delivered this 12th day of May, 2014, to:

The Honorable Marc E. Stern
Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing mailed this 12th day of May, 2014, to:

Kent Maerki
10632 N. Scottsdale Road, #B-479
Scottsdale, Arizona 85254

Norma Jean Maerki
10632 N. Scottsdale Road, #B-479
Scottsdale, Arizona 85254

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